

117TH CONGRESS  
2D SESSION

# S. 5077

To amend the Alaska Native Claims Settlement Act to provide that Alexander Creek, Incorporated, is recognized as a Village Corporation under that Act, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2022

Mr. SULLIVAN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To amend the Alaska Native Claims Settlement Act to provide that Alexander Creek, Incorporated, is recognized as a Village Corporation under that Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*

2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. ALEXANDER CREEK RECOGNITION.**

4       The Alaska Native Claims Settlement Act (43 U.S.C.

5 1601 et seq.) is amended by adding at the end the fol-

6 lowing:

7       **“SEC. 43. ALEXANDER CREEK RECOGNITION.**

8       “(a) DEFINITIONS.—In this section:

1               “(1) ALEXANDER CREEK, INCORPORATED.—

2               The term ‘Alexander Creek, Incorporated’ means  
3               Alexander Creek, Incorporated, the entity organized  
4               and recognized—

5               “(A) on the day before the date of enact-  
6               ment of this section, as a Group Corporation;  
7               and

8               “(B) effective beginning on the date of en-  
9               actment of this section, as a Village Corpora-  
10              tion.

11              “(2) ALEXANDER CREEK VILLAGE.—The term  
12              ‘Alexander Creek village’ means the community—

13              “(A) located in T. 15 N., R. 7 W., Seward  
14              Meridian, in the State; and

15              “(B) recognized as a Native village under  
16              subsection (b)(2).

17              “(3) REGION.—The term ‘Region’ means Cook  
18              Inlet Region, Incorporated, the appropriate Regional  
19              Corporation for Alexander Creek, Incorporated,  
20              under section 14(h).

21              “(b) RECOGNITION OF ALEXANDER CREEK.—Not-  
22              withstanding section 1432(d) of the Alaska National In-  
23              terest Lands Conservation Act (Public Law 96–487; 94  
24              Stat. 2543) and the deadline described in section 11(b)(3),  
25              subject to the requirements of this section—

1           “(1) Alexander Creek, Incorporated, is recog-  
2         nized as a Village Corporation pursuant to this Act;  
3         and

4           “(2) Alexander Creek village shall be recognized  
5         as a Native village, notwithstanding any other provi-  
6         sion of this Act.

7           “(c) ORGANIZATION OF ALEXANDER CREEK, INCOR-  
8         PORATED.—As soon as practicable after the date of enact-  
9         ment of this section, Alexander Creek, Incorporated, shall  
10         submit to the Secretary—

11           “(1) any amendments to the State corporate  
12         charter of Alexander Creek, Incorporated, necessary  
13         to convert Alexander Creek, Incorporated, from a  
14         Group Corporation to a Village Corporation; and

15           “(2) if necessary, any amendments to the State  
16         corporate charter or governing business documents  
17         of Alexander Creek, Incorporated, that fulfill the  
18         terms of the agreement described in subsection (d).

19           “(d) AGREEMENT.—

20           “(1) NEGOTIATIONS.—Not later than 30 days  
21         after the date of enactment of this section, the Sec-  
22         retary shall offer to enter into negotiations with  
23         Alexander Creek, Incorporated, for the purposes of  
24         fairly and equitably settling—

1                 “(A) the aboriginal land claims of Alex-  
2                 ander Creek, Incorporated; and

3                 “(B) any other claims of Alexander Creek,  
4                 Incorporated, against the United States.

5                 “(2) CONDITION.—As a condition of recognition  
6                 as a Village Corporation under this Act, Alexander  
7                 Creek, Incorporated, shall enter into an agreement  
8                 with the Secretary to achieve the purposes described  
9                 in paragraph (1) by not later than 13 months after  
10               the date of enactment of this section.

11                “(3) PARITY.—To the maximum extent prac-  
12                ticable, the agreement under this subsection shall  
13                achieve parity, with respect to approximate value,  
14                with similar agreements of other Village Corpora-  
15                tions.

16                “(4) TREATMENT FOR FEDERAL PROPERTY  
17                PURPOSES.—

18                “(A) COORDINATION WITH GSA.—The Sec-  
19                retary shall coordinate with the Administrator  
20                of General Services with respect to any surplus  
21                property to be transferred to Alexander Creek,  
22                Incorporated, pursuant to the agreement under  
23                this subsection.

24                “(B) STATUS AS A STATE AND STATE  
25                AGENCY.—Notwithstanding paragraphs (2) and

1                         (3) of section 549(a) of title 40, United States  
2                         Code, Alexander Creek, Incorporated, shall be  
3                         considered to be a ‘State’ and a ‘State agency’  
4                         under that section for purposes of the agree-  
5                         ment under this subsection.

6                         “(C) SURPLUS PROPERTY.—Notwith-  
7                         standing any other provision of law, Alexander  
8                         Creek, Incorporated, shall be eligible to receive  
9                         real property declared to be surplus under sec-  
10                         tion 1303 of title 40, United States Code, for  
11                         purposes of the agreement under this sub-  
12                         section.

13                         “(e) SHAREHOLDER PARTICIPATION.—

14                         “(1) IN GENERAL.—Alexander Creek, Incor-  
15                         porated, shall notify each member of Alexander  
16                         Creek village that—

17                         “(A) effective beginning on the date of en-  
18                         actment of this section, the members shall cease  
19                         to receive benefits from the Region as at-large  
20                         shareholders pursuant to section 7(m); and

21                         “(B) all future resource payments from the  
22                         Region shall be retained by Alexander Creek,  
23                         Incorporated, pursuant to section 7(j).

24                         “(2) LIABILITY.—The Region shall not be liable  
25                         under any State, Federal, or local law, or under

1       State or Federal common law, for damages arising  
2       out of or relating to the cessation of payments to  
3       members of Alexander Creek village under para-  
4       graph (1)(A).

5       “(f) CONSTRUCTION RELATING TO LAND ENTITLE-  
6       MENTS.—

7           “(1) IN GENERAL.—Except as provided in this  
8       section with respect to Alexander Creek, Incor-  
9       porated, nothing in this section modifies or amends  
10      any land conveyance entitlements or conveyance  
11      agreement between—

12           “(A) the Region and Village Corporations  
13       other than Alexander Creek, Incorporated;

14           “(B) the Region and the Federal Govern-  
15       ment; and

16           “(C) any party described in subparagraph  
17       (A) or (B) and the State.

18           “(2) CURRENT ALEXANDER CREEK, INCOR-  
19       PORATED, LAND.—Nothing in this section reduces  
20      the land entitlement of Alexander Creek, Incor-  
21       porated, as a Group Corporation before the date of  
22       enactment of this section, including any land se-  
23       lected by and conveyed to Alexander Creek, Incor-  
24       porated, before that date of enactment.”.

